

**AGENDA ITEM #**  
July 25, 2002

To: Delta Protection Commission

From: Margit Aramburu

Subject: SB 1854, Delta Conservancy Legislation (Senator Machado)  
*(For Commission Consideration and Possible Action)*

**BACKGROUND:**

In March, Senator Machado presented drafted legislation to create a new State agency--the Delta Conservancy. He asked for comments to improve the draft legislation and has asked for broad support for the legislation.

Following the public hearing, Senator Machado revised the legislation. The amended legislation has been approved by the Senate; and is on the floor of the Assembly.

The proposed, amended legislation:

- Creates a new Delta Conservancy *Program* administered by the existing Coastal Conservancy; it does not set up a new agency. There is a similar program for the San Francisco Bay Area.
- Refers proposed projects to the Delta Protection Commission for determination of consistency with the Commission's adopted Land Use and Resource Management Plan for the Primary Zone of the Delta.

**WHO WOULD MAKE DECISIONS?**

Under the terms of the amended legislation, the Delta Protection Commission would first review proposed projects for consistency with the Commission's adopted Plan. The Commission would have 60 days to review projects.

The Coastal Conservancy would make final decisions regarding applications. The Coastal Conservancy includes seven members appointed by the Governor, including the Chair, Vice Chair, and two other members representing the public; the Director of Finance; Secretary for Resources; and the Chair of the California Coastal Commission.

## **WHAT IS THE AREA OF INTEREST/CONCERN?**

The amended legislation applies to the Legal Delta.

## **WHAT WOULD THE DELTA CONSERVANCY PROGRAM DO?**

Grants and/or loans would be available to public agencies, nonprofit organizations, and private entities to:

1. Implement the Commission's adopted Land Use Plan.
2. Promote farming that integrates agricultural activities with environmental protection and sustains the economics of the region through: wildlife-friendly farming practices, implementation of innovative farming technology, improvement of water quality and water usability, enhancement of habitat, integrated pest management practices, and other approaches.
3. Protect farmland.
4. Restore, enhance, and protect open space and natural areas
5. Promote compatibility of agriculture and other private land uses with low-impact public access, recreation and education uses and wildlife protection.
6. Implement local government and special district plans that are consistent with policies, programs and plans of the Commission.
7. Collaborate with public or private entities and individuals that support the economy of the communities and rural areas of the Delta, including urban waterfronts.
8. Provide public access and recreation opportunities.

## **HOW WOULD THE DELTA CONSERVANCY PROGRAM BE FUNDED?**

There is no funding attached to the legislation. Other conservancies have base funding from General Fund, or other funds, and receive implementation funds from bonds.

## **ISSUES RAISED BY THE COMMISSION AND RESPONSES FROM SENATOR MACHADO:**

- How would the Delta Conservancy Program be coordinated with the Delta Protection Commission, the Delta Protection Act, and the adopted Land Use Plan?  
*The Commission would have a 60 day period to review proposed projects.*
- Would the Delta Conservancy's acquisition strategy use adopted plans and reports developed by the Delta Protection Commission, or plans developed by CALFED that have been reviewed and approved by CALFED?  
*The proposed legislation refers to the plans of the Delta Protection Commission.*
- Would proposed Delta Conservancy Program acquisitions be reviewed and commented upon by the Delta Protection Commission?  
*Yes.*

- Could the Delta Conservancy Program be directed to carry out its program with acquisition of minimum land ownership interests, for example easements over fee title acquisition?  
*Not currently in text of bill, but the Commission's Plan does speak to replacement of lost taxes to local government and special districts associated with public acquisition.*
- Could the Delta Conservancy be directed to ensure/require that habitat enhancements not adversely impact adjacent or nearby agricultural land uses (seepage, weeds, restriction of spraying, etc.)--commonly called the "good neighbor" policy.  
*Protecting adjacent and nearby lands from adverse impacts is including within the Commission's adopted Plan.*

**BILL SUPPORTERS:**

Sierra Club  
City of West Sacramento

**BILL OPPONENTS:**

California Central Valley Flood Control Association